

# Belmont Chronicle

ST. CLAIRSVILLE, OHIO:  
THURSDAY MORNING, MAY 14, 1868.

All communications for the paper, or upon business relating to the same, should be addressed to the Editor, Belmont Chronicle, St. Clairsville, Ohio.

"I stated that the law was binding on me, Constitution or not, until set aside by the proper tribunal."

For President.

GEN. ULYSSES S. GRANT,

Subject to the decision of the National Republican Convention.

Union Republican State Ticket.

SECRETARY OF STATE,  
ISAAC R. SHERWOOD.

SUPREME JUDGE,  
WILLIAM WHITE.

MEMBER BOARD OF PUBLIC WORKS,  
JAMES MOORE.

SCHOOL COMMISSIONER,  
JOHN A. MORRIS.

CLERK OF SUPERIOR COURT,  
RODNEY FORD.

RESIDENTIAL ELECTORS AT LARGE,  
DAVID TODD.

SAMUEL GALLOWAY.

An important Convention of the

National Manufacturers' Association

will be held at Cleveland on the 27th

inst. It is now ascertained that delegations

will be present from nearly all parts of

the United States, and that all the

manufacturing interests of the country

will be represented. The Manufacturers' Association

of Detroit held a meeting the

other night, at which they adopted

a resolution that, in view of the signal

success which has crowned the efforts

put forth at the National Manufacturers' Convention, held at Cleveland in December

last, whereby over \$50,000,000 of taxes

have been lifted from the manufacturing industry of the country, it is

belittling that the manufacturers of the United States should sustain a national

organization, with a view to secure from time to time such legislation as their

respective interests and the interests of the whole country shall demand.

The Gazette says the object of the bill

introduced in the Ohio Legislature, to

give control of the arms and ammunition of the State to two Democratic members

of the Legislature, "was to take the

arms out of the hands of a secret political organization, called the Grand Army

of the Republic." The arms are now in the

keeping of the Governor, who is the

Commander-in-Chief of the military forces of the State, and his Adjutant

General. And the Grand Army of the Republic has nothing to do with them

now and never did have. The truth of the

matter is that your Copperhead friends

desire to fasten themselves upon the

offices of the State by force when

they are defeated next fall, as they

surely will be, and they want the control

of these arms for that purpose. Floyd

stole the arms for the other Democratic

rebellion, and it is as they are now

& Co., are trying to steal them for the

next one.

It seems that a good many negroes in

the South have voted the Conservative

ticket at the late elections. They be-

come accordingly the subjects of un-

bounded eulogy at the hands of the

Conservative Press. So far as they are

## The Visible Admixture Law—Charged as Being Unconstitutional and Void.

The Visible Admixture Law requires "that the act shall be given specially in charge of the Grand Jury each term of the Court of Common Pleas by the Presiding Judge thereof."

Accordingly, Judge Burk, on the 25th of April, charged the Grand Jury of the Court of Common Pleas of Summit County.

He recited the provisions of the Visible Admixture Law, and declared that it is unconstitutional and void.

He then shows that the intent of the Legislature in providing that if any person having a visible admixture of African blood, may be challenged, was with a view to establishing a good ground for the exclusion of the vote challenged.

He then proceeds as follows:

You will notice that the ground of challenge is not that the person offering to vote is a negro or mulatto, but that he has a visible admixture of African blood.

But it is well settled that under the Constitution of this State a distinct and visible admixture of African blood is a sufficient ground of challenge or exclusion, if the person offering to vote has a preponderance of white blood.

All persons nearer white than black are under the constitution of Ohio white, however slightly may be the preponderance of white blood, or however distinct and visible the admixture of African blood.

By section 1, act 5, of the constitution of Ohio it is provided that, "every white male citizen of the United States, of the age of twenty-one years who shall have been a resident of the State one year next preceding the election, and of the county, township or ward in which he resides such time as may be provided by law, shall have the qualifications of an elector and be entitled to vote at all elections."

Section 4, of the same article provides, that, "the general assembly, shall have power to exclude from the privilege of voting, any person convicted of bribery, perjury, or other infamous crime."

No other cause is specified in the constitution for which the general assembly may exclude a white male citizen from the privilege of voting.

Every white male citizen not convicted of "bribery, perjury or other infamous crime" has the constitutional right to vote, and the general assembly has no power to deprive him of such right.

Who then are white male citizens in the constitutional sense? This question is readily answered. The word "white," as used in the constitution, includes not only persons of a mixed white and African or Indian blood having an actual preponderance of white blood, but also the true construction of the word white as used in the constitution has been expressly declared by the Supreme Court in the case of Anderson vs. Millikin and others, 9th Ohio State Reports 558.

It is then decided that the word "white" in the new constitution is used in the same sense as in the old constitution, and includes persons having a mixture of African blood, if they have a preponderance of white blood.

Judge Gholson in delivering the opinion of the Court, says: "Who should be deemed 'white' within the meaning of the constitution? This question," he continues, "was answered by repeated judicial decisions under the old constitution."

It was considered in view of blood or race, and the rule adopted to meet the obvious difficulty of a mixture of blood or races was that the word "white" must predominate. There was a white race and a black race and the obvious intent was to exclude the latter from the elective franchise. If an inhabitant of the State had an equal portion of the blood of one race and the other applied. But if he had a larger proportion of the blood of the white race, he was to be regarded as white within the meaning of the constitution. Gray vs. State, 4th Ohio Rep. 353. Wright's Rep. 579, 11th Ohio Rep. 372, do. 375, do. 393; 12th do. 337; 17th do. 402. Continuing, Judge Gholson further remarks that "There was probably no word in the constitution of 1802, the meaning of which had been more fully or authoritatively settled by judicial construction than the word white as connected with the elective franchise."

The Judge then proceeded to show by citizens from the debates of the Constitutional Convention of 1851, that the word "white" in the new constitution was used in the same sense as in the old constitution, and holds such construction to be so well known and well settled, and so long acted upon and recognized as to be binding and conclusive upon the Court.

Without citing further authorities upon this subject, I may safely say to you that this much is well settled, that for anyone than fifty years in this State under the old and new constitution, the word white as used in connection with the elective franchise has been held by our highest judicial tribunals to refer to the white race, and to include persons of mixed blood as well as pure whites.

A distinct and visible admixture of African blood is not, therefore, a sufficient ground of exclusion from the privilege of the elect. That a person offering to vote is a negro or mulatto, half blood, is a sufficient ground of exclusion. But this act does not put the exclusion upon the ground that the person offering to vote is a negro or mulatto, no such fact is required to be established.

The challenge and of course the exclusion is placed solely upon the ground of a visible admixture of African blood.

If it was the intent of the Legislature in passing this act to exclude from the privileges of an elector any person having a distinct and visible admixture of African blood, without regard to the fact whether he has a preponderance of white blood or not, and I so understand it, then, in obedience to the construction of the word white, who are repeatedly declared by the Supreme Court, I am bound to say to you that the act is in conflict with the constitution, and utterly null and void.

Judge Burke then amplifies his opinion by giving several illustrations to show that "the act cannot be enforced according to its spirit and provisions without depriving more or less of their constitutional rights."

He concludes as follows:

I wish before concluding, to call your particular attention to the fact that the legislature has no power to confer the elective franchise on any person not to deprive any person not of franchise.

The act by the constitution having declared and settled the elective franchise, the whole subject is thus withdrawn from legislative control, and any enactment of the legislature which restricts, limits or abridges the Constitutional right of the citizen, is void.

The act under consideration is, in my judgment, clearly in conflict with the constitution, in this, that it makes a distinct and visible admixture of African

## can blood a ground of challenge, and blood ground of exclusion of the voter, in providing that the person challenged shall be at once excluded if any witness called by him shall refuse to answer full any question put to him; in providing that no evidence of reputation as to parentage, nor preponderance of white blood shall avail, unless the marriage of the parents is first proved; and finally, in providing that after it is clearly established that the voter is white, he shall, before his vote shall be received, take an oath that he is white and knows the fact to be so, from a knowledge of both his parents and his pedigree.

It being clear then that this act is in conflict with the constitution, and the Supreme Court having so repeatedly decided the precise question presented by this act as to its constitutionality, such decisions of the Supreme Court, and the plain unequivocal language of the constitution, I hold, and therefore instruct you, that this act is utterly null and void, in all its provisions, and its conclusion and penalties, and you will so regard and treat it.

Florida Election.

ATLANTA, GA., May 8.—To General U. S. Grant, commanding the armies of the United States.—Col. Sprague telegraphs that the election in Florida passed off without incident, and that the partial returns the Constitution is ratified by 3,000 majority, and the Reed ticket (Republican) elected by a small majority.

The nomination of 27 Republicans and 16 Democrats, one doubtful. The House stands 55 Republicans; and 24 Democrats, and 6 doubtful.

(Signed.) GEO. G. MEADE, Major General.

Pacific and Atlantic Telegraph Company Annual Meeting.

The stockholders of the Pacific and Atlantic Telegraph Company held their annual meeting Tuesday, May 5th, at the Board of Trade Rooms, Wood street.

The meeting was organized by calling A. F. Matthews to the chair, after which the reports of the President and Treasurer were read.

From the reports it appears that the Company has at present 1,563 miles of line, 3,244 miles of wire, and have no debt beyond that arising from the current expense of the lines, and the business of the Company is a handsome sum of money.

The reports also show that although the company have had eleven consecutive quarterly dividends, there is over and above the dividends paid and the expenses, a surplus of earnings nearly equal to the amount of dividends paid. On this showing comment is unnecessary, the management of the Company is well conducted, and a great public benefit which has been conferred by the management of this corporation on the business community of the whole country over which the wires of the company reach, by the large reduction they have brought about in the cost of telegraphing.

At the conclusion of the reading of the reports, the following resolutions offered by C. B. M. Smith, Esq., and seconded by Mark Watson, Esq., were unanimously adopted:

Resolved, That the thanks of the Stockholders of the Pacific and Atlantic Telegraph Company of the United States be and they are hereby given to Geo. H. Thurston, Esq., President of the Corporation, and to the Board of Directors, for the prudent and skillful, efficient and energetic manner in which they have superintended, directed and managed the affairs of the company during the past year.

Resolved, That the thanks of the Stockholders be and they are hereby given to the Board of Directors, for the able manner in which they have discharged their duties during the past year.

An election of officers for the ensuing year was then gone into, at which was voted a majority of the whole amount of stock issued. The election of the following board of officers:

For President—George H. Thurston, of Pittsburgh.

For Directors—John W. Ellis, of Cincinnati; Robert J. Anderson, Edward Jay Allen, James L. Shaw, Wm. Arrum, David McCandless, of Pittsburgh.

OHIO LEGISLATURE.

SENATE, May 8.—The following bills were passed: Requiring theaters, opera houses and public halls to be kept open and the doors unlocked during the public performances so as to allow access at any moment; amending the free turnpike road act so as to authorize the free turnpike road act to be extended to the extent of the turnpike road act; to increase the amount set off to widows and to minor children; amending the code of civil procedure in relation to jury trials in courts of record.

A resolution relative to the soldiers killed in battle was adopted.

HOUSE.—The resolution relative to the purchase of ten acres of additional ground by the Directors of the Penitentiary, was adopted.

Mr. Scott, of Warren, moved to take from the table the resolution relative to the reply of the Auditor of State declining to furnish information asked for by the House of Representatives in regard to the depreciation of the currency used to pay the interest on the State debt from 1852 to 1858, &c. The House declined to discuss the same.

The report of Mr. Fielding, from the Committee on Federal Relations on House resolution No. 33, laid over on a notice to discuss by Mr. Scott, of Warren. The bill providing for a Commissioner of Immigration was made the order of the day for Tuesday next. The bill to amend the act for the incorporation of townships was passed.

Impeachment.

WASHINGTON, D. C., May 12.—Owing to the illness of Senator Sherman, the vote on impeachment has been postponed until Saturday.

This we look upon as a concession that there are not votes enough to impeach.

Senators Fessenden, Trumbull, Henderson and Grimes have declared against conviction and from present appearances the President and his friends will be able to buy the three other votes necessary to acquit him.

## POLITICAL ITEMS.

Gen. Canby has postponed the meeting of the South Carolina Legislature until Congress shall have approved the new Constitution.

The Mississippi Convention is revising the Constitution, but making no material changes. No proposition has been made to adjourn.

At Savannah, Georgia, Thursday evening, a meeting of Conservatives (colored) was held, at which the United States flag was presented by white citizens.

The Ku-Klux Klan paraded through the streets of Georgetown, Kentucky, the other day, bearing along a stuffed figure representing a dead negro, with a rope about his neck.

The friends of Hancock claim that he will get fourteen Southern States in Convention, and Indiana and Pennsylvania to begin with, and New York will come in at the right time to give him the nomination.

At the city election in Valparaiso, Indiana, last Tuesday, a Republican Mayor was elected for the first time in the history of the place, and all the other officers elected, except one Alderman, are Republicans.

Lafayette, Ind., takes fewer newspapers than any other town of its size in the State. There are 4,000 school children in the city, and school accommodations for only 1,200. Of course it is a Democratic stronghold.

The Soldiers' and Sailors' Convention in Richmond last Thursday, appointed 29 delegates to the Chicago Convention, and the nomination of Gen. Wells, and commended Gen. Schofield's administration of affairs in Virginia.

The Hon. John Minor Botts thinks the Constitution soon to be presented for the endorsement of Virginia "altogether the best Constitution that has ever been adopted, and that the best feature in it is the clause requiring all officers to take the test oath."

Under the new State Constitution, Louisiana is to have 101 Representatives and 35 Senators in its Legislature. The Governor is to receive a salary of \$8,000 a year, to hold his office for four years, and to be ineligible for the succeeding four years.

The Louisville Courier says of the editor of The La Crosse Democrat: "He is a sort of editorial hornet—a political showman and a moral monster. Being born in the North, he is a violent Southern man, and fancying that his tongue is agreeable to Southern gentlemen, he is endeavoring to degrade the grade both the men and women of his own section of country, and absolutely fattens on his own degradation."

PERSONAL AND NEWS ITEMS.

Fred Douglas reports an income of \$6,200. Much damage has been done to the crops by rain in Central Illinois.

Wheat will be harvested in Georgia in a fortnight. A crop is anticipated.

Six hundred elephants recently marched in a festival procession at Lucknow, Hindustan.

Miles O'Reilly has bought a tobacco farm of 700 acres about sixty miles south of Richmond.

Lord Brougham died on Saturday at his French residence. He was in his nineteenth year.

The schooner Mary Ann was burned to the water's edge at Weehawken Saturday. Loss \$25,000.

The old ship of the line Columbus has been sold at Norfolk, to the parties who raised her, for \$300,000.

During April 20 boys were received into the Ohio State Reform School. Twelve were discharged.

Peter Cartwright, of back woods fame, is lecturing in Chicago on the off nights of the Methodist Convention.

B. bill to admit Arkansas, North and South Carolina, Georgia, and Florida, has been passed in Congress.

Milwaukee, Wis., has increased its population 10,000 and its buildings 1,400, costing about \$4,000,000.

The Tuscarawas Chronicle says the prospect for fruit in that county is equal to any they have ever known.

Miles O'Reilly has bet \$50 with one of the President's secretaries that the Senate will find a verdict of guilty.

Six hundred and sixteen immigrants passed through Columbus last week, of whom 64 were coming in Ohio.

Judge Field, of the Supreme Court, and Lucille Western, the actress, left New York for California Saturday.

The McConnellville Herald says the indications are that there will be an abundant yield of fruit in Morgan county.

A mob of eight-hundred men, in San Francisco, armed with clubs, have prevented laborers in the carriages of the city from working over the time.

The new California machine for laying railroad tracks, is laying ties and rails on the Vallejo and Sacramento Road at the rate of two miles daily.

Ex-President James Buchanan is lying very ill at Lancaster, Pa. His complaint is said to be pleuro-pneumonia. He is not expected to recover.

Dr. Hall's dwelling at Piqua, Ohio, was entered by burglars, the other day, Thursday morning, and the doctor and his wife, it is feared, fatally beaten.

Robert Bonner, of the Ledger, was formerly a journeyman printer in the Hartford Courant office, and afterward a proof reader in the New York Evening Mirror.

About 11,000,000 bushels of oysters are now annually taken from the Chesapeake Bay and tributaries. More than two-thirds of them go to Baltimore—about 2,000,000 go elsewhere.

Austria is about re-organizing her army. Every Austrian 21 to 34 years of age will now be compelled to serve five years in the active army, five years in the reserve, and four years in the landwehr.

The Danville (Virginia) Times has started a report for the uncertainty of which it says it can vouch, viz: That there is a female child near that place only fifteen months old, having quite a large moustache nearly an inch in length.

Mr. Evans spoke in all nearly fourteen hours, and failed to get any business. The time was divided into about five days. His conclusion, says the New York Times' dispatch, although very elegant in diction and impressive in manner, was too long and too finely drawn to produce much effect.

The Democracy at Columbus, received a dispatch Friday, from Washington, informing them that Mr. Johnson would be convicted before Wednesday of next week. The dispatch purported to be from Morgan. A caucus was accordingly held that evening, at which the decision to adjourn to-day was reconsidered, and further consideration of the subject was postponed until Wednesday evening next. It is the intention of the Democracy to send H. J. Jewett, of Zanesville as a successor to Wade after he becomes acting President.

## Special Notices.

To Owners of Horses and Cattle.

Tobias Derry Condition Powders are warranted superior to any others, or no pay, for the cure of distemper, Worms, Eels, Coughs, Hiccups, Colic, &c., in Horses; and Coughs, Loss of Milk, Black Tongues, Horrid Discharges, &c., in Cattle. They are perfectly safe and innocent; no need of stopping the working of your animals. They increase the appetite, give you a fine coat, cleanse the stomach and urinary organs; also increase the milk of cows. Try them and you will never be without them. Hiram Woodruff, the celebrated trainer of trotting horses, has used them for years, and recommends them to his friends. Col. Philip P. Bush, of the Jerome Race Course, Fordham, N. Y., would not use them until he was told of them; when he composed, which he is never without them. They increase the appetite, give you a fine coat, cleanse the stomach and urinary organs; also increase the milk of cows. Try them and you will never be without them. 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